

May 2022



**Full Planning Application for the proposed change of use  
of 317 Kentish Town Rd, London NW5 2TJ from Hair Salon  
(E(a) use class) to betting shop (sui generis use class)**

**Planning Statement**

On behalf of

Done Brothers (Cash Betting) Ltd

Prepared by

I D Planning  
9 York Place  
Leeds  
LS1 2DS

## Contents

## Page No

1.0	Introduction and Site Context .....	3
2.0	The Proposed Development.....	5
3.0	Planning Policy Review.....	6
4.0	Planning Assessment.....	9
5.0	Conclusions .....	12

## Appendices

1. Betfred Market Research Findings Report
2. Betfred Brochure

## **1.0 Introduction and Site Context**

- 1.1 This Planning Statement has been prepared on behalf of Done Brothers (Cash Betting) Ltd to support a Full Planning Application for the proposed change of use of 317 Kentish Town Rd, London NW5 2TJ from Hair Salon (E(a) use class) to betting shop (sui generis use class).
- 1.2 Betfred already operate a bookmakers in the adjacent unit (319 Kentish Town Road) to the north, the proposal would amalgamate 317 & 319 Kentish Town Road and create a single larger bookmakers. The proposal therefore would not result in any additional bookmakers' business within the designated centre.
- 1.3 The expansion of Betfred's business within the designated Centre will expand a local business, creating additional staff employment and bring a vacant unit back into use within Kentish Town Road which supports economic growth principles in national and local planning policy.

### **Site Context**

- 1.4 The site is within the Kentish Town Town Centre. The site sits within Flood Zone 1 of the Environment Agency's Flood Maps for Planning and is at low risk from flooding. The site is not within a conservation area and there are no listed buildings in the immediate locality.
- 1.5 317 Kentish Town Road is a four storey terrace building located on the western side of Kentish Town Road. The building hosts a parade of commercial units to the ground floor which project at single storey with flat roof to the front and rear with residential use in the upper floors. The unit has a lawful Class E Use Class under the Use Classes Order 1987 (as amended). Use Class E was introduced on 1st September 2020 and revokes the former use classes of A1 (shops), A2 (financial and professional including banks), A3 (restaurants and cafes) as well as parts of D1 and D2 and puts them all into one new overarching use class. Any adopted Development Plan policies relating to the former A1-A3 and D1-D2 uses however remain relevant when assessing development proposals

### **Property History**

- 1.6 The unit has been vacant from 2014, there have been no alternative uses secured within this timeframe. An alternative sui generis town centre use is now proposed to bring a long term vacant unit in a prominent town centre location back into active use. Furthermore, the proposal seeks to expand an existing business providing additional employment options within an already successful local business.

### **Relevant Planning History**

- 1.7 There is no recent planning application history related to 317-319 Kentish Town Road, directly relevant to this application. Application 2013/0684 for the Change of use from retail (Class A1) to Financial and Professional Services (Class A2) at part ground floor level, including alterations to shop front was refused and an appeal dismissed, however the adopted policy and Use Class position has changed following the consideration of this application.

### **Planning Application Submission**

- 1.8 The Application comprises of the following submission documents:
- Completed Application Forms
  - Statutory Application Fee
  - Location Plan
  - Existing and Proposed Shopfront Elevations
  - Proposed Layout
  - Planning Statement and Appendices 1 & 2

## 2.0 The Proposed Development

- 2.1 The development proposes to change the use of 317 Kentish Town Road from a former Hair Salon (E(a) use class) to a betting shop (sui generis use class).
- 2.2 As previously detailed, the proposed change of use relates to the existing Betfred Unit adjacent and will allow them to expand into and amalgamate the two units.
- 2.3 The proposal therefore seeks an expansion of Betfred's existing bookmaker business within the town centre and would not result in any additional bookmakers' business within Kentish Town.
- 2.4 The expansion of Betfred's business within the Town Centre by a local business will increase staff employment and bring a large long term vacant unit back into use which supports economic growth principles in national and local planning policy.
- 2.5 Full details of the proposed change of use/amalgamation are shown on the submitted plans.
- 2.6 Betfred is the world's biggest privately-owned betting company and one of the UK's biggest privately-owned retail outlets. Licensed betting shops are regarded as being main town centre uses in the National Planning Policy Framework (NPPF) and are seen to maintain the vitality and viability in local town and city centres by complementing the main retail uses.



### 3.0 Planning Policy Review

3.1 The Third Edition of the National Planning Policy Framework (NPPF) was published in July 2021 and supersedes the previous 2012, 2018 and 2019 versions of the document. The framework sets out the Government's planning policies for England and how these are expected to be applied. The following policies are considered applicable to the proposed change of use application.

3.2 Paragraph 8 of the NPPF confirms the purpose of the planning system is to contribute to the achievement of sustainable development:

**“There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:**

- **An economic role** – build a strong, responsive and competitive economy,
- **A social role** – creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- **An environmental role** – contributing to protecting and enhancing our natural, built and historic environment

3.3 The proposed development comprises a main town centre use within a town centre. By bringing a vacant unit back into active use, this supports the local economy including job retention, it meets a social role by retaining a Bookmaker service for residents and also it meets an environmental role by providing an active shop frontage in a prominent position.

3.4 Section 6 of the NPPF provides guidance on supporting economic development. Paragraph 81 confirms that Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

3.5 Section 7 of the NPPF provides guidance on ensuring the vitality of town centres. Paragraph 86 confirms that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

#### The Development Plan

3.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

3.7 The statutory Development Plan for Camden Council comprises of the London Plan (2021), Camden Local Plan (Adopted July 2017) and a number of Planning Guidance Documents including Town Centre and Retail Planning Guidance.

3.8 The following policies are applicable to the proposed change of use.

### **London Plan 2021**

3.9 The London Plan was adopted in 2021 and forms an overarching strategic local plan which all local authorities must conform with.

3.10 Policy SD6 relates to Town Centres and promotes and enhances the vitality and viability of Town Centres.

3.11 Policy D4 achieves good design,

### **Camden Local Plan 2017**

3.12 Camden Local Plan reflects the overarching principles of the London Plan but is prepared by Camden Council and focusses on Local development principles.

3.13 Policy C3 – Cultural and Leisure Facilities – relates to the provision of leisure facilities and considers their impact, smaller facilities may be appropriate anywhere.

3.14 Policy E1 – Economic Development – seeks to support business expansion and job creation.

3.15 Policy D3 – Shopfronts – provides design guidance as to new and replacement shop fronts – the existing shop front has been boarded up for over 9 years.

3.16 Policy TC1 – Quantity and location of retail development – confirms retail floorspace is expected to be supported by a range of other town centre uses.

3.17 Policy TC2 – Camden's Centres and other shopping areas – aims to create successful and vibrant centres by providing a range of shops and other suitable uses and protecting primary frontages to contribute to the vitality and vibrancy of the centre.

3.18 Policy TC4 – Town Centre Uses – seeks to ensure the development of shops and other town centre uses does not harm the character, function, vitality and viability of the centre. It should be noted, this policy still refers to the pre-2020 Use Classes.

3.19 Appendix 4 – Centre Frontages – pre-dates the 2020 Use Class order changes but seeks a minimum of 75% A1 uses and no more than 2 consecutive non-retail uses within a frontage. The 2016 application considered Nos 317 – 347 to constitute the particular 'frontage'.

### **Town Centres and Retail Planning Guidance**

- 3.20 The Camden Planning Guidance (CPG) documents set out additional guidance on the Council's approach to various considerations including retail and non-retail uses within designated centres. The Town Centres and retail CPG was adopted in 2021 and relates to 'retail and non-retail uses' as per the pre-2020 Use Class Order i.e A1 shops.
- 3.21 Kentish Town is noted as a Town Centre, the level of centre above neighbourhood centres in the Local Plan
- 3.22 The CPG reflects Appendix 4 of the Local Plan in that it seeks a minimum of 75% A1 uses and no more than 2 consecutive non-retail uses within a primary frontage in Kentish Town.



## 4.0 Planning Assessment

### **Impact on the Vitality and Viability of the Town Centre**

- 4.1 Betfred, as with most high street retailers in the last 2 years, has been severely affected by the Covid Pandemic and enforced government closures of business and retail premises in town centres during national lockdown periods. Having survived the pandemic, the business must consider their future options to remain viable now and into the future.
- 4.2 Betfred currently operate a bookmakers within the adjacent unit. Betfred are proposing an expansion of their existing bookmaker business within the town centre and would not result in any additional bookmakers' business being added to the centre.
- 4.3 As it stands, the long term vacant unit does not contribute positively to the town centre and has not done for over 9 years. The proposed change of use would bring a unit back into active use to support the vitality and viability of the town centre and strengthen its offering of shops and services in line with Policy TC4 of the Local Plan.
- 4.4 The proposed expansion of Betfred's existing business in the centre supports the economy and provides additional employment which in turn accords with NPPF principles on supporting economic growth.
- 4.5 The proposed change of use provides an appropriate main town centre use as defined by the NPPF and supporting text within Policy TC4 and provides a service facility that is complementary to the wider retail function of the town centre. In this regard, we consider that the proposal would accord with Policy TC2 & TC4 as an appropriate use in the defined Town Centre.
- 4.6 As set out above, Appendix 4 of the Local Plan and Town and Retail Centre CPG seeks a minimum of 75% A1 uses and no more than 2 consecutive non-retail uses within a primary frontage in Kentish Town. Firstly, it must be noted that the wording of the CPG pre-dates the 2020 changes to the Use Classes Order. As such, the policy relates to A1 retail use but this has been expanded to the current E Use Class and therefore the policy should be read that at least 75% of units within the area should be E Use Class. Secondly, the 2016 application considered Nos 317 – 347 to constitute the particular 'frontage', therefore this has been assessed as part of this application.
- 4.7 Based on the evidence available at the time of writing, there are approximately 14 individual units of varying sizes within the 317-347 primary frontage and there are 9 individual units within the E Use Class, formed of a mix of traditional A1 retail units with a number of restaurants, professional services and beauty units within this figure. This equates to a 64% provision of Use Class E Units. This is below the 75% target of the Local Plan and CPG.

- 4.8 However, takeaway coffee shops are considered Sui generis but Café's (consumption on site) are considered to fall within Use Class E as a restaurant does. If Starbucks, Café Nero and Pret a Manger are taken to be Use Class E there is only the existing Betfred unit and the Launderette which are no Use Class E. This would ensure the existing percentage of Class E units would be 86%, far in excess of the 75% policy desire.
- 4.9 In this regard, the 'loss' of Unit 317 as a Use Class E unit would result in 78.5% of the 14 units being within Use Class E with only the dual Betfred unit and the launderette as non-E Unit.
- 4.10 Furthermore, Unit 317 Kentish Town Road has been vacant for more than 9 years as can be seen from regular Google Street View updates. Clearly the existing unit provides a long term negative impact upon the vitality and viability of the Town Centre and primary frontage. The proposal to bring back into use a unit which has been vacant for more than 9 years and would have a positive impact upon the viability of the Town Centre which outweighs the 'loss' of a unit which has not contributed positively to the vitality for over 9 years.
- 4.11 Specifically to note, following the consideration of application 2013/0684 in which the 317-347 frontage was considered; the William Hill betting shop located at 345 Kentish Town Road has closed (in early 2020). The concentration of Betting Shops specifically within the frontage has been significantly reduced and whilst this application seeks to change the use of 317 to a betting shop it is to facilitate the amalgamation of 317 & 319, thus not increasing the overall number of Betting Shops.
- 4.12 The proposed amalgamation of Units 317 & 319 would not result in a material impact to the 'retail' provision in the town centre, particularly given the long term vacancy of the unit and the boarded frontage (see point 2.6 above) and on balance is acceptable in principle.
- 4.13 Additionally, the concentration of Betting Shops within Kentish Town in recent years in particular has been reduced. The applicant has confirmed the number of Betting Shops in Kentish Town has reduced from 4 to 2 in recent years. The number of betting shops would not increase, but the proposal would provide an enlarged and modern betting shop layout to the benefit of customers and the wider Town Centre.

#### **Technical Consideration**

- 4.14 The design of the shopfront would comprise of an enlarged window display to the 317 shop front with the door retained to the right of the 319 shopfront. Betfred propose a fascia sign or similar to the amalgamated unit in the primary colours of red, white and blue. The overall shop front colour scheme would be altered to the updated Betfred Colour scheme of blue. The overall design of the external alterations is shown within the submitted elevations and is deemed acceptable in this location in accordance with Policy D3.

- 4.15 The existing unit has operated for a number of years in Kentish Town Town Centre with no complaints of noise, anti-social behaviour etc. The betting shop use would be extended into the adjacent unit and is therefore not expected to have an undue impact upon nearby residents. The proposal is therefore in accordance with Policy TC4.
- 4.16 The proposal will increase footfall and provides an opportunity for linked trips to the wider town centre as well as contributing to the centre's later afternoon / evening economy when traditional retail shops are open 9-5pm, as detailed in Policy TC2 of the Local Plan. This is further detailed at Appendices 1 -2 of this Statement.
- 4.17 Overall, the proposed expansion of the existing Betfred Unit would significantly improve the vitality and viability of this area of the Town Centre by occupying a long term large vacant unit without unduly affecting the 'percentage of retail units within the primary frontage'. The proximity of the existing and proposed unit would ensure no amenity issues.

## 5.0 Conclusions

- 5.1 This Planning Statement has been prepared on behalf of Done Brothers (cash betting) Ltd to support a Full Planning Application for the proposed change of use of 317 Kentish Town Rd, London NW5 2TJ from Hair Salon (E(a) use class) to betting shop (sui generis use class).
- 5.2 Betfred already operate an existing unit directly adjacent to the north (Unit 319) and the proposal would amalgamate the units and allow Betfred to expand the local business and potentially provide additional jobs.
- 5.3 The proposal has a number of significant benefits deriving from it and it should be supported by the Council for the following reasons
- The proposal will retain Betfred's existing Bookmaker business in Kentish Town Town Centre, provides additional employment and contributes to economic development objectives as set out in the NPPF and the Local Plan;
  - The unit lies within an area designated as a town centre and is considered to be a main town centre use as defined by the NPPF so the principle of the change of use is acceptable, on the basis that at least 75% of Units within the Primary frontage would remain in Use Class E, and in particular the reinstatement of use within a long term vacant unit;
  - Notwithstanding the above, the William Hill unit (345 Kentish Town Road) has recently closed, as such the concentration of Betting Shops within the frontage has been significantly reduced following the consideration of 2013/0684.
  - The proposal supports the aims of the NPPF and the adopted Local Plan which supports economic growth, job retention and a positive approach to the determination of planning applications;
  - Should planning permission not be granted for a sui generis use, this would result in a long term vacant unit having no active street frontage which continues to harm the vitality and viability of the town centre. This would be detrimental to the town centre and not in accordance with the NPPF's presumption in favour of sustainable development.
  - The proposal will increase footfall and provides an opportunity for linked trips to the wider town centre as well as contributing to the centre's later afternoon / evening economy when traditional retail shops are open 9-5pm. This is further detailed at Appendices 1 -2 of this Statement.
- 5.4 In view of the above, it is considered the scheme satisfies both national and local policy and represents a suitable use for the Unit. The proposal addresses all the relevant material considerations and, in this respect, we would invite the Council to assess the application and offer its support for the proposals.



## **Appendices (submitted as separate documents)**

1. Betfred Market Research Findings Report
2. Betfred Brochure